

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

"Tracks Seven, Eight, Nine, Ten, and Eleven"

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**JOINT MOTION TO AMEND THE CASE MANAGEMENT ORDERS FOR TRACKS
SEVEN, EIGHT, NINE, TEN, AND ELEVEN.**

Plaintiffs and Pharmacy Defendants jointly move the Court to enter the Proposed Amended Case Management Orders attached as Exhibits A-E. In support of this Motion, the parties state as follows:

1. The Parties have been working to meet the deadlines in Tracks 7-11.
2. The Parties have conferred and believe adjustments to the current Case Management Orders for Tracks 7-11 are necessary as a result of the work to be completed, and the various commitments of attorneys, staff and experts in the MDL trials and state court proceedings.
3. As a result, the Parties respectfully request that this Court enter the Proposed Amended Case Management Orders attached as Exhibits A-E. As a general matter, the Proposed Case Management Orders extend the deadlines in Track 7 by forty-five days, with the exception of fact discovery, which would be extended by fifty-five days. The Proposed Case Management Orders for Tracks 8-11 extend the deadlines in those cases by sixty days. There are a few exceptions where the Parties made adjustments to account for holidays, weekends, or other minor issues.

(signatures on next page)

Date: May 2, 2022

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky
Alexandra W. Miller
ZUCKERMAN SPAEDER LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
E-mail: smiller@zuckerman.com
E-mail: edelinsky@zuckerman.com

Attorneys for CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., Ohio CVS Stores, L.L.C., Oakwood CVS, Inc. CVS TN Distribution, L.L.C., North Carolina CVS Pharmacy, L.L.C., CVS Orlando FL Distribution Center, L.L.C., CVS Health Solutions, L.L.C., Georgia CVS Pharmacy, L.L.C.,

/s/ Kelly A. Moore (consent)

Kelly A. Moore
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6612
E-mail: kelly.moore@morganlewis.com

Elisa P. McEnroe
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5917
Email: elisa.mcenroe@morganlewis.com

Attorneys for Rite Aid Hdqtrs. Corp., Rite Aid of Georgia, Inc., Rite Aid of North Carolina, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, and Eckerd Corporation

s/ John M. Majoras (consent)

John M. Majoras
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Phone: (202) 879-3939
Email: jmmajoras@jonesday.com

Tina M. Tabacchi
Tara A. Fumerton
JONES DAY
77 West Wacker
Chicago, IL 60601
Phone: (312) 269-4335
E-mail: tmtabacchi@jonesday.com
E-mail: tfumerton@jonesday.com

Attorneys for Walmart Inc.

/s/ Kaspar J. Stoffelmayr (consent)
Kaspar J. Stoffelmayr
Katherine M. Swift

BARTLIT BECK LLP
54 West Hubbard Street
Chicago, Illinois 60654
Phone: (312) 494-4400
E-mail: kaspar.stoffelmayr@bartlitbeck.com
E-mail: kate.swift@bartlitbeck.com

Alex J. Harris
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, Colorado 80202
Phone: (303) 592-3100
E-mail: alex.harris@bartlitbeck.com

Alec H. Schultz
HILGERS GRABEN PLLC
1221 Brickell Avenue
Suite 900
Miami, Florida 33131
Tel: (305) 630-8304
E-mail: aschultz@hilgersgraben.com

Michael Burns
HILGERS GRABEN PLLC
601 Pennsylvania Ave. NW
South Building Suite 900
Washington, D.C. 20004
Tel: (202) 985-1664
E-mail: mburns@hilgersgraben.com

*Attorneys for Walgreens Boots Alliance,
Inc., Walgreen Co. and Walgreen Eastern
Co., Inc.*

/s/ Francis A. Citera (consent)

Francis A. Citera
Gretchen N. Miller
Greenberg Traurig, LLP
77 W. Wacker Drive, Suite 3100
Chicago, IL 60601
Tel: (312) 456-8400
Fax: (312) 456-8435
citeraf@gtlaw.com
millerg@gtlaw.com

*Counsel for Albertsons Companies, Inc.,
Albertsons LLC, Safeway, Inc., United
Supermarkets, LLC
and Randall's Food and Drug, LP*

/s/Gregory S. Chernack (consent)

Gregory S. Chernack
Kathryn Sacco Jensen
Hollingsworth LLP
1350 I Street, NW
Washington, DC 20005
(202) 898-5800

Counsel for Publix Super Market, Inc.

s/ Ronda L. Harvey (consent)

Ronda L. Harvey Esq. (WVSB 6326)
Fazal A. Shere, Esq. (WVSB 5433)
Ashley H. Odell, Esq. (WVSB 9380)
Aaron C. Boone, Esq. (WVSB 9479)
BOWLES RICE LLP
600 Quarrier Street
Charleston, West Virginia 25301
304-347-1100
rharvey@bowlesrice.com
fshere@bowlesrice.com
ahardestyodell@bowlesrice.com
aboone@bowlesrice.com

*Counsel for Defendants The Kroger Co.,
Kroger Limited Partnership I,
Kroger Limited Partnership II,
Kroger Texas LP,
Smith's Food & Drug Centers, Inc., and
Harris Teeter, LLC*

/s/ Joseph M. Vanek (consent)

Joseph M. Vanek, jvanek@sperling-law.com

Greg Shinall, shinall@sperling-law.com
David P. Germaine, dgermaine@sperling-law.com

Trevor K. Scheetz, tscheetz@sperling-law.com

Sperling & Slater, P.C.
55 West Monroe, Suite 3200
Chicago, Illinois 60603
(312) 641-3200 (p)
(312) 641-6492 (f)

Counsel for Meijer, Inc., Meijer Distribution, Inc., and Meijer Stores Limited Partnership

/s/Jayne Conroy (consent)

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016 (212) 784-6400
(212) 213-5949 (fax)
jconroy@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464 (843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
1311 Ponce de Leone Ave., Suite 202
San Juan, PR 00907
(304)654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

/s/Peter H. Weinberger (consent)

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114 (216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

By: /s/ Lisa Saltzburg (consent)
Lisa Saltzburg

MOTLEY RICE, LLC

Linda Singer
Elizabeth Smith
Motley Rice LLC
401 9th Street NW
Suite 1001
Washington, DC 20004

(202) 386-9626
lsinger@motleyrice.com
esmith@motleyrice.com
Attorneys for Montgomery County

Michael Elsner
Lisa Saltzburg
Motley Rice LLC
28 Bridgeside Blvd.
Mount Pleasant, South Carolina 29464
(843) 216-9000
melsner@motleyrice.com
lsaltzburg@motleyrice.com
Attorneys for Montgomery County

Mathias H. Heck, Jr.
Montgomery County Prosecuting Attorney
301 West Third Street
P.O. Box 972
Dayton, Ohio 45422
Telephone: (937) 225-5599
Fax Number: (937) 225-4822
E-mail: heckm@mcohio.org
Attorney for Montgomery County

Ward C. Barrentine
Chief Assistant Prosecuting Attorney - Civil
Division
Montgomery County Prosecutor's Office
301 West Third Street
4th Floor, Suite 461
Dayton, Ohio 45422
Telephone: (937) 496-7797
E-mail: BarrentinW@mcohio.org
Attorney for Montgomery County

THE LANIER LAW FIRM

By: /s/ W. Mark Lanier (consent)
W. Mark Lanier
TX State Bar No. 11934600
10940 W. Sam Houston Parkway N.
Houston, TX 77064
Tel: 713-659-5200
Fax: 713-659-2204
wml@lanierlawfirm.com

Counsel for Plaintiff Tarrant County

SIMMONS HANLY CONROY LLC

By: /s/ Jayne Conroy (consent)

Jayne Conroy
112 Madison Avenue, 7th Floor
New York, NY 10016
Ph: 212-784-6400
Fax: 212-213-5949

*Counsel for Plaintiffs Cobb County and
Santa Fe County*

/s/Michael J. Fuller, Jr. (consent)

Michael J. Fuller, Jr.
Paul T. Farrell, Jr.
FARRELL & FULLER, LLC
1311 Ponce de Leon Ave., Suite 202
San Juan, Puerto Rico 00907
Tel: 939-293-8244
mike@farrellfuller.com
paul@farrellfuller.com

Counsel for Plaintiff Durham County

By: /s/ Lisa Saltzburg
Lisa Saltzburg

MOTLEY RICE, LLC

Linda Singer
Elizabeth Smith
Motley Rice LLC
401 9th Street NW
Suite 1001
Washington, DC 20004
(202) 386-9626
lsinger@motleyrice.com
esmith@motleyrice.com

Michael Elsner
Lisa Saltzburg
Motley Rice LLC
28 Bridgeside Blvd.
Mount Pleasant, South Carolina 29464
(843) 216-9000
melsner@motleyrice.com
lsaltzburg@motleyrice.com

Mathias H. Heck, Jr.
Montgomery County Prosecuting Attorney
301 West Third Street
P.O. Box 972
Dayton, Ohio 45422
Telephone: (937) 225-5599
Fax Number: (937) 225-4822
E-mail: heckm@mcohio.org

Ward C. Barrentine
Chief Assistant Prosecuting Attorney - Civil
Division
Montgomery County Prosecutor's Office
301 West Third Street
4th Floor, Suite 461
Dayton, Ohio 45422
Telephone: (937) 496-7797
E-mail: BarrentinW@mcohio.org

Counsel for Plaintiff Montgomery County

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on May 2, 2022.

/s/ Eric R. Delinsky

Eric R. Delinsky